

# **Exhibit A**

COMMONWEALTH OF VIRGINIA )  
 )  
COUNTY OF MADISON )

**AFFIDAVIT OF ERIC GLEN WEAKLEY**

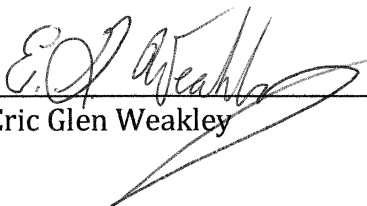
I, Eric Glen Weakley, make the following statement under penalty of perjury:

1. On June 13, 2001, I was convicted of second-degree murder for the 1996 killing of Thelma Scroggins. At my plea hearing, the judge asked me if I was guilty. I answered: "No, I am not guilty of the crime." In spite of this, the judge accepted a guilty plea and sentenced me to twenty years in prison, with thirteen years and four months suspended. I served six years and eight months in prison, and was released in 2006. I am still on probation for that offense.
2. I am providing this affidavit in order to tell the truth about testimony that I gave at the capital murder trials of Jason Kloby in 2000 and Michael Hash in 2001. At those trials, I testified that I was present when Kloby and Hash killed Ms. Scroggins. Although I believed this testimony at the time that I gave it, it was not true. I have never been to Ms. Scroggins' house, and I had nothing to do with her murder. I also have no reason to believe that Michael Hash had anything to do with her murder. I am innocent of this crime, and I believe Michael Hash is also innocent of this crime.
3. I was first approached by the police early in 2000. Investigators Scott Jenkins and James Mack from the Culpeper County Sheriff's Office came to my home. They told me that they had come to me because Alesia Shelton told them I had information about Jason Kloby and Michael Hash. They asked me to come to the Culpeper County Sheriff's Office to talk with them. I agreed, and my girlfriend at that time drove me there. They told me they were investigating a murder.
4. I talked with Jenkins and Mack for several hours. During the conversation, I became very confused and mixed up events from my past with the questions they were asking. They were asking me about things that were supposed to have happened four years earlier, when I was sixteen years old. I was also using a lot of drugs between the years of 1996 and 2000. It was hard for me to recall the specific details they were demanding.
5. Jenkins and Mack showed me everything you can imagine about the crime. They showed me awful crime scene photos. Even now, I don't like to think about those photos. It looked to me as if half of Ms. Scroggins' face had been blown off. I couldn't get those photos out of my mind. I even started having dreams about Ms. Scroggins' murder. Jenkins and Mack talked to me about a lot of the other details of the murder, such as the location where Ms. Scroggins' body had been found, the position it was in, and how she had died. All of the information I gave at trial about the crime scene was given to me during interviews with police and prosecutors.

6. I talked to Jenkins and Mack many other times. During these conversations, the investigators became extremely frustrated and told me what I was saying wasn't matching up with what they already knew. When I would answer questions in a way they didn't like, the investigators would suggest that I was lying or confused. I told Jenkins and Mack over and over that I was not involved in any way, shape, or form with the murder of Ms. Scroggins, but they wouldn't believe me. At one point, I remember asking Jenkins and Mack if I needed a lawyer. They told me that I did not need a lawyer because I was not in any trouble. They said I was only a witness. I asked them why I didn't need a lawyer because they were asking me about something I knew nothing about. It was very frustrating that they wouldn't believe me. I began guessing at answers because I just wanted to be left alone.
7. Jenkins and Mack told me that they were going to talk to Jason Kloby and Michael Hash and that Kloby and Hash were going to say that I was involved in the murder. They said I needed to tell them everything first or else it would be worse for me. At one point, I claimed that I heard Kloby and Hash talking about the murder when we were camping together. This was not true. The only camping trip I ever took with Kloby and Hash was over a year before the murder. I never heard Kloby and Hash talk about killing Ms. Scroggins or anyone else. On May 15, the police gave me a lie detector test. The person who gave me the test told me that I was lying about the camping trip. He also told me that the lie detector test showed that I was present when Ms. Scroggins was killed.
8. Eventually, after so many days and hours of being asked the same questions over and over again and being told that I was lying, my story changed. I then told Jenkins and Mack that I went to Ms. Scroggins' house with Kloby and Hash and saw them kill her. Although this was not true, I had begun to believe that I must have been there because Jenkins and Mack wouldn't accept any other answer and the lie detector test said so. Once I finally said I had been there, Jenkins and Mack made me repeat the story back to them over and over again. They would keep repeating questions until I gave them an answer that satisfied them. After repeating this story over and over again, I began to believe it. Even though I didn't remember these things, I thought that they must have been true.
9. By the last time I was interviewed, I had become convinced that I was present when Ms. Scroggins was killed. I was arrested and charged with capital murder. When I testified at Jason Kloby's trial, I said what I then believed to be the truth: that I was present when Kloby and Hash killed Ms. Scroggins.
10. By the time I testified at Hash's trial, I honestly felt as though I could no longer tell what was true and what was false. At Hash's trial, I testified to what I thought was the truth, but I had to admit that I mixed up fact and fiction and that I couldn't tell truth from fiction a lot of the time. Today I know that I had been led to believe something that wasn't true.

11. Although I tried to be honest and thought I was doing the right thing at the trials of Kloby and Hash, the testimony I gave was not the truth. As far as I know, Michael Hash is completely innocent of the murder of Thelma Scroggins.
12. I spent over six years in prison for a crime I did not commit. During that time, I struggled with the fact that what I remembered was not the same as what I testified to at the trials of Jason Kloby and Michael Hash. I am afraid that Michael Hash is now in prison for this same crime that, in my opinion, he also did not commit. I am sorry that I testified against Michael Hash. I am trying to do the right thing now by admitting that I was wrong when I testified against Michael Hash. I hope that one day Michael Hash and I are completely exonerated of this crime, and that the person who actually killed Ms. Scroggins is found.

FURTHER AFFIANT SAYETH NAUGHT.

  
Eric Glen Weakley

Signed and sworn to before me this 24<sup>th</sup> day of March, 2011.

  
NOTARY PUBLIC

